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6 IN THE UNITED STATES DISTRICT COURT
7 DISTRICT OF ARIZONA

8
9 United States of America,

10 Plaintiff,

11 vs.

12 Jose Antonio Enciso-Barrera,

13 Defendant.

No. 08-6277-M (LOA)

ORDER

(First Request)

14 HAVING considered Defendant Jose Antonio Enciso-Barrera's Motion to
15 Extend Time to Indict and good cause having been shown;

16 THE COURT makes the following findings:

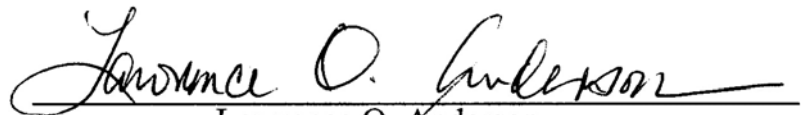
- 17 1. Counsel for defendant has only recently been appointed;
- 18 2. The defendant earnestly wishes to consider the plea offer extended by
19 the government;
- 20 3. The defendant wishes to investigate possible defenses prior to
21 considering the government's plea offer;
- 22 4. The government's plea offer, if accepted by the defendant and then the
23 court, would likely reduce defendant's exposure to a significant term
24 of imprisonment;
- 25 5. If the defendant does not timely accept the plea offer prior to
26 indictment, the government will withdraw said plea offer and any
27 subsequent plea offer after indictment would likely be less
28 advantageous to the defendant;
6. Failure to extend time for indictment in this instance would thus operate
to bar defendant from reviewing the government's plea offer in a
meaningful way prior to indictment; and
7. The ends of justice served by this continuance outweigh the best
interest of the public and the defendant in a speedy indictment.

1 The Court therefore concludes that the ends of justice are best served by granting an
2 extension of time to present the case to the grand jury and in excluding a period of thirty (30)
3 days under the Speedy Trial Act. In making this determination, the Court has particularly
4 taken into account that the failure to grant the Defendant's request "would deny counsel for
5 the defendant . . . the reasonable time necessary for effective preparation, taking into account
6 the exercise of due diligence." 18 U.S.C. § 3161(h)(8)(B)(iv).

7 **IT IS HEREBY ORDERED** that defendant's Motion to Extend Time for Indictment
8 requesting an extension of thirty (30) days within the government may seek to indict
9 defendant, is hereby granted.

10 **IT IS FURTHER ORDERED** that pursuant to the Speedy Trial Act, 18 U.S.C. §
11 3161, the Government shall have an extension of thirty (30) days to file a timely Indictment.
12 Excludable time shall begin to run on the 31st day after arrest for a period of thirty (30) days
13 in which the Government may present the case to the grand jury.

14 DATED this 17th day of September, 2008.

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17 Lawrence O. Anderson
18 United States Magistrate Judge
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